

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Writ Petition No.18988 of 2017

Between

Ch.Ramesh Babu, S/o. Nageshwar Rao, Aged 50 years,
Occ: Judicial Officer, Working as Presiding Officer of
Labour Court-I, Hyderabad, State of Telangana

... Petitioner

and

1. The State of A.P., Law (LA & JSCF(Dept.,
Rep. by its Chief Secretary, Secretariat,
Hyderabad, Andhra Pradesh;
and 2 others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 27-4-2018

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT. JUSTICE T.RAJANI

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT. JUSTICE T.RAJANI

+ Writ Petition No.18988 of 2017

% Date: 27-4-2018

Ch.Ramesh Babu, S/o. Nageshwar Rao, Aged 50 years,
Occ: Judicial Officer, Working as Presiding Officer of
Labour Court-I, Hyderabad, State of Telangana
... Petitioner

Vs.

\$ 1. The State of A.P., Law (LA & JSCF(Dept.,
Rep. by its Chief Secretary, Secretariat,
Hyderabad, Andhra Pradesh

2. The State of Telangana, Law (LA & JSCF) Dept.,
Rep. by its Chief Secretary, Secretariat,
Hyderabad, Telangana

3. High Court of Judicature at Hyderabad
For the State of Telangana and the State of A.P.,
Rep. by its Registrar General,
High Court Bldgs., Hyderabad A.P.

... Respondents

! Counsel for Petitioner: Mr. N.Ashwani Kumar

Counsel for Respondents: Smt. Bobba Vijaya Lakshmi,
Standing Counsel for the Registry

< Gist:

> Head Note:

? Cases referred:

1. (2002) 5 SCC 1
2. (2012) 6 SCC 502
3. (2000) 8 SCC 25
4. 2002(5) Bom. C.R. 221 (SC)

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
H HON'BLE SMT. JUSTICE T.RAJANI

Writ Petition No.18988 of 2017

Order: (per V.Ramasubramanian, J.)

The petitioner, who was appointed originally on *ad hoc* basis as a District Judge to preside over a Fast Track Court, way back in the year 2003 and who was later appointed on regular basis as a District Judge (Entry Level) has come up with the above writ petition seeking a direction to the respondents to count the entire length of service rendered by him from the date of appointment to the Fast Track Court, for the purpose of fixation of seniority and all other benefits.

2. We have heard Mr. N.Ashwani Kumar, learned counsel for the petitioner and Smt. Bobba Vijaya Lakshmi, learned Standing Counsel for the Registry.

Brief Prelude

3. The 11th Finance Commission allocated Rs.502.90 Crores for the purpose of setting up 1,734 Courts in various States throughout India, to deal with long pending cases, particularly Sessions Cases. The allocation of funds mandated the utilisation of the funds within a period of five years. Actually the Finance Commission suggested the re-employment of retired Judges for a limited period of time, since the Courts created in terms of the recommendations, were to be *ad hoc*, in the sense that they would not be

a permanent addition to the number of Courts within a particular State.

4. A challenge was made to the scheme so floated by the 11th Finance Commission and which came to be known as “Fast Track Courts Scheme”. The challenge was on the ground that there was no Constitutional sanction for the employment of retired Judges. While dealing with the challenge so made, a 3-member Bench of the Supreme Court, in ***Brij Mohan Lal v. Union of India***¹ issued certain directions on 06-5-2002. This decision, which came to be known later as *Brij Mohan Lal-I*, made it clear (Direction No.14) that no right will be conferred on Judicial Officers in service for claiming any regular promotion on the basis of his/her appointment on *ad hoc* basis under the scheme. This decision also made it clear (Direction No.4) that the Members of the Bar directly appointed to these Courts, may be absorbed in regular vacancies, if subsequent recruitment takes place and their performance in the Fast Track Courts was found satisfactory.

5. Even before the issue of the directions in *Brij Mohan Lal-I*, the Government of Andhra Pradesh issued a set of rules known as “The Andhra Pradesh Higher Judicial Service Special Rules for *Ad hoc* Appointments, 2001” under G.O.Rt.No.286, Law (LA&J SC.F) Department, dated 05-3-2002. Rule 2 of these Rules prescribed three different

¹ (2002) 5 SCC 1

methods of recruitment viz., (i) Direct recruitment from the Bar, (ii) Appointment by transfer from among the Senior Civil Judges and (iii) Re-employment of retired District Judges. But Rule 2(4) of these Rules made it clear that all appointments made under the rule from time to time shall cease on 31-3-2005.

6. Rule 7(1)(B) of these Special Rules for *Ad hoc* Appointments made it clear that a person directly recruited to the post, will not be regarded as a member of the permanent cadre. The Rule went further by declaring that the appointment so made, will also not be a bar for appointment to the posts covered by the Special Rules for Andhra Pradesh State Higher Judicial Service. Rule 7(1)(B) reads as follows:

“7(1)(B) A person appointed under Rule 2(i) shall not be regarded as a Member of Permanent cadre covered under Rule 2 of the Special Rules for Andhra Pradesh State Higher Judicial Service, 1958, and shall not be entitled to any preferential right to any other appointment to this service or any other service and their service shall not be treated as regular or permanent under the State Government nor shall be a bar for appointment to the posts, covered by the Special Rules for Andhra Pradesh State Higher Judicial Service, 1958 or the Andhra Pradesh State Judicial Rules, 1962.”

Adhoc Appointment of the Petitioner

7. In accordance with the Special Rules for *Ad hoc* Appointments, 2001, a selection was made, and a group of about 20 persons were directly recruited as District Judges under G.O.Rt.No.1798, Law (LA&J SC.F) Department, dated

06-10-2003. These appointments were made under rule 2 of the Special Rules for *Ad hoc* Appointments, 2001 and paragraph-5 of the order made it clear that these appointments will cease on 31-3-2005.

8. The petitioner was one of those 20 persons who were so appointed under G.O.Rt.No.1798, dated 06-10-2003. The petitioner as well as the others accepted the appointments, knowing fully well (as practising advocates are expected to) the implications of Rule 7(1)(B) of the Special Rules for *Ad hoc* Appointments, 2001.

Litigation begins

9. Within a few months of the appointment of the petitioner and others, the High Court issued a Notification on 28-5-2004, inviting applications for direct recruitment to regular vacancies. Instead of applying in response to the said Notification and participating in a process of selection, the petitioner and his companions filed a writ petition in W.P.No. 11273 of 2004 challenging the recruitment notification dated 28-5-2004 and seeking absorption of their services against the regular vacancies, on the basis of Direction No.4 contained in *Brij Mohan Lal-I*.

10. But the said writ petition was dismissed by a Bench of this Court by an order dated 13-7-2004. Challenging the said order, the petitioner and his companions filed SLP (Civil) No.17338/2004 on the file of the Supreme Court. The Supreme Court granted leave and passed an interim order on

09-3-2006 to the effect that the appointments made pursuant to the regular selection, will be subject to the result of the writ petition.

11. In the meantime, the tenure of appointment of Fast Track Court Judges in the State of Andhra Pradesh and elsewhere came to an end on 31-3-2005. Therefore, two writ petitions, one by All India Judges' Association and another by All Media Journalists' Association came to be filed directly before the Supreme Court under Article 32 of the Constitution of India seeking the issue of appropriate directions to extend the Fast Track Courts Scheme beyond 2005. One of the issues raised in those writ petitions was that the Advocates appointed as direct recruits to man the Fast Track Courts had become over-aged for regular appointment in permanent posts and that they have also become ineligible to practise in any Court lower than the High Court, by virtue of the Bar Council of India Rules.

12. Those writ petitions as well as several special leave petitions arising out of the decisions of certain High Courts, were taken up by the Supreme Court along with Civil Appeal No.1276/2005 which arose out of a decision of this Court and to which the petitioner herein and his companions were parties. All the writ petitions, special leave petitions and civil appeals including the civil appeal filed by the writ petitioner herein were disposed of by the Supreme Court by a decision

in ***Brij Mohan Lal v. Union of India***², dated 19-4-2012. This decision came to be known later as *Brij Mohan Lal-II*. In paragraphs-27 and 32 of its decision, in *Brij Mohan Lal-II*, the Supreme Court specifically took note of the Special Rules of *Ad hoc* Appointments, 2001 issued by the State of Andhra Pradesh. The first question that was taken up for consideration and decision in *Brij Mohan Lal-II* as seen from paragraph-51 of the decision was whether the *ad hoc* appointees like the petitioner had a right to the post. In order to find an answer to this question, the Supreme Court referred to Rules 2 and 7(1)(B) of the Special Rules for *Ad hoc* Appointments, 2001 and categorically held in paragraph-69 that the appointees did not have an absolute right to the post. Despite holding so, the Supreme Court proceeded further to examine whether the petitioners in the cases before the Supreme Court were entitled to some relief.

13. The Supreme Court took up for consideration in *Brij Mohan Lal-II*, the contention advanced by the petitioners that by virtue of Rule 7 of the Bar Council of India Rules, they had lost a right to practise. In paragraph-84, the contention was rejected. Eventually, in paragraph-125 of its decision, the prayer of the very writ petitioner herein and his companions in Civil Appeal No.1276/2005 for quashing the Notification for direct recruitment dated 28-5-2004 was rejected. However, the Supreme Court issued certain directions in

² (2012) 6 SCC 502

paragraph-146 of its decision in *Brij Mohan Lal-II*, with a view to improve the justice delivery system. One of the directions contained in paragraph-146 of the decision in *Brij Mohan Lal-II* related to persons appointed from the Bar to preside over the Fast Track Courts and the question of absorption of these persons against regular vacancies. This was in Direction No.9 under paragraph-146. It reads as follows:

“9. All the persons who have been appointed by way of direct recruitment from the Bar as Judges to preside over the FTCs under the FTC Scheme shall be entitled to be appointed to the regular cadre of the Higher Judicial Services of the respective State only in the following manner:

(a) The direct recruits to the FTCs who opt for regularization shall take a written examination to be conducted by the High Courts of the respective States for determining their suitability for absorption in the regular cadre of Additional District Judges.

(b) Thereafter, they shall be subjected to an interview by a Selection Committee consisting of the Chief Justice and four senior-most Judges of that High Court.

(c) There shall be 150 marks for the written examination and 100 marks for the interview. The qualifying marks shall be 40 per cent aggregate for general candidates and 35 per cent for SC/ST/OBC candidates. The examination and interview shall be held in accordance with the relevant Rules enacted by the States for direct appointment to Higher Judicial Services.

(d) Each of the appointees shall be entitled to one mark per year of service in the FTCs, which shall form part of the interview marks.

(e) Needless to point out that this examination and interview should be conducted by the respective High Courts keeping in mind that all these applicants have put in a number of years as FTC Judges and have served the country by administering Justice in accordance with law. The written examination and interview module, should,

thus, be framed keeping in mind the peculiar facts and circumstances of these cases.

(f) The candidates who qualify the written examination and obtain consolidated percentage as afore-indicated shall be appointed to the post of Additional District Judge in the regular cadre of the State.

(g) If, for any reason, vacancies are not available in the regular cadre, we hereby direct the State Governments to create such additional vacancies as may be necessary keeping in view the number of candidates selected.

(h) All sitting and/or former FTC Judges who were directly appointed from the Bar and are desirous of taking the examination and interview for regular appointment shall be given age relaxation. No application shall be rejected on the ground of age of the applicant being in excess of the prescribed age.”

Regular appointment of the petitioner

14. Pursuant to the directions so issued by the Supreme Court in *Brij Mohan Lal-II*, a process of selection was conducted by the High Court and the High Court recommended the regular appointment of 12 persons out of 20 candidates who were originally appointed in the year 2003 on *ad hoc* basis. Accepting the recommendations of the High Court, the Government issued G.O.Ms.No.68, Law (LA&J-SC.F) Department, dated 02-7-2013, appointing 12 persons. The petitioner was one among those 12 persons. Paragraph-4 of the said Government Order G.O.Ms.No.68, dated 02-7-2013, reads as follows:

“4. The appointments ordered above will take effect from the dates on which the respective officers assume charge”.

15. The petitioner and others, under paragraph-5 of the Government Order, were placed on probation with effect from

the date of joining duty. Paragraph-6 of G.O.Ms.No.68 made it clear that the seniority of persons appointed thereunder will be fixed as per the roster prescribed in Schedule-A appended to the Andhra Pradesh State Judicial Service Rules, 2007.

16. An attempt was made by one of those 12 candidates by name Kum. C.Yamini, to challenge paragraph Nos.5 and 6 of G.O.Ms.No.68, dated 02-7-2013, as a prelude to seek the benefit of seniority. But the said writ petition in W.P.No. 13022 of 2017 was dismissed by a Bench of this Court by an order dated 17-4-2017.

Present writ petition & contentions

17. The petitioner herein did not even challenge paragraphs-5 and 6 of G.O.Ms.No.68. But after four years of accepting the appointment under G.O.Ms.No.68, he has come up with the above writ petition seeking to count the entire service from the date of appointment as *Ad hoc* Judge in the Fast Track Court in the year 2003, for the purpose of fixation of seniority.

18. The basis on which the petitioner has come up with the above claim is:

(i) that Direction No.4 in *Brij Mohan Lal-I* mandated the absorption of these persons into regular vacancies;

(ii) that as per Rule 6 of the A.P. State Higher Judicial Service Rules, 1958, the seniority of a person appointed to Category-I or Category-II shall be determined with reference

to the date from which he may continuously be on duty in that category;

(iii) that in *Brij Mohan Lal-II*, the Supreme Court issued guidelines for “absorption” and “regularisation” and not “fresh appointment”; and

(iv) that in the light of the law laid down by the Supreme Court in ***Rudra Kumar Sain v. Union of India***³, the long and continuous officiation as *Ad hoc* Judge should be considered for the purpose of seniority.

Analysis

19. We have carefully considered the above submissions.

20. The first contention of the learned counsel for the petitioner is on the basis of Direction No.4 contained in *Brij Mohan Lal-I*. But much water has flown under the bridge after *Brij Mohan Lal-I*. The direction in *Brij Mohan Lal-I* was issued on 06-5-2002. But the appointment of the petitioner was made in accordance with the A.P. State Higher Judicial Service Special Rules for *Ad hoc* Appointments, 2001, issued on 05-3-2002 under G.O.Rt.No.286, even before the issue of the directions in *Brij Mohan Lal-I*. The effect of Rule 2(i) and Rule 7(1)(B) of these 2001 Rules came to be considered in *Brij Mohan Lal-II* and the claim of the very same writ petitioner and his colleagues was rejected by the Supreme Court. Therefore, after the decision in *Brij Mohan Lal-II*, no reliance

³ (2000) 8 SCC 25

can be placed by the petitioner on the direction issued in *Brij Mohan Lal-I*. In fact, the very claim of the petitioner herein for regularisation was rejected in *Brij Mohan Lal-II*.

21. The second contention revolves around Rule 6 of the A.P. State Higher Judicial Service Rules, 1958. As per this Rule, the seniority of a person shall be determined with reference to the date from which he may continuously be on duty in that category.

22. But the said contention overlooks one important aspect. The A.P. Judicial Service was earlier divided into two different services viz., (i) the State Higher Judicial Service and (ii) the State Judicial Service. The posts of District and Sessions Judge (Grade-I) and District and Sessions Judge (Grade-II) (including equivalent posts) alone were included in the State Higher Judicial Service and they were governed by the A.P. State Higher Judicial Service Rules, 1958. But after the decision in *All India Judges' Association-I, II and III*, a fresh set of rules were issued under G.O.Ms.No.119, Law (LA&J SC.F) Department, dated 02-8-2008. These Rules are known as A.P. State Judicial Service Rules, 2007. Now there is only one set of rules and not two different sets of rules. There is only one service now and not two different services.

23. Rule 15 of the 2007 Rules makes it clear that an *ad hoc* appointment can be made to the service, but the persons appointed on *ad hoc* basis shall not be regarded as members of the cadre. Rule 13 deals with the seniority of (i)

District Judges and (ii) Civil Judges. Rule 13(a) reads as follows:

“13. Seniority:

(a) District Judges: Seniority of the persons appointed to the category of District Judges by direct recruitment as well as recruitment by transfer shall be fixed as per the forty point roster prescribed in Schedule-A.”

24. Therefore, Rule 6 of the 1958 Rules is no more in vogue and it is Rule 13(a) of the 2007 Rules that would apply. For the application of Rule 13(a), a person should have been appointed as a member of the service. Persons who continued on *ad hoc* basis to man Fast Track Courts were not appointed as members of the service and hence they cannot claim seniority on the basis of the length of service rendered by them outside the cadre.

25. The third contention revolves around the use of the words “absorption/regularisation” in *Brij Mohan Lal-II*. We have already extracted Direction No.9 contained in paragraph-146 of the decision in *Brij Mohan Lal-II*. Though in Direction No.9(a) the Supreme Court used the word “regularisation”, the word used in Direction No.9(f) was only “appointment”. No direction was issued for the regularisation of any of the *Ad hoc* Judges, immediately upon their coming out successful in the process of selection. In fact, the Supreme Court made it clear in *Brij Mohan Lal-II* that no right is conferred upon the Judicial Officers on the basis of the appointment on *ad hoc* basis.

26. In fact in ***Maharashtra State Judicial Service Association v. High Court of Judicature at Bombay***⁴, the Supreme Court made it clear that *ad hoc* appointment will not confer a right to be counted for seniority. It is true that the said decision arose in the context of the Special Rules formed in Bombay. But even the Rules that we have in Andhra Pradesh cannot advance the cause of the petitioner. Hence, the third contention is also liable to be rejected.

27. The last contention is based upon the decision of the Supreme Court in *Rudra Kumar Sain*. But in ***G.Chandrasekharan v. Registrar General***, the Madras High Court, by a decision rendered on 26-02-2015, in W.P.No.20069 of 2014, rejected the claim made on the basis of *Rudra Kumar Sain*. The relevant portion of the said decision to which one of us (VRS, J.) was a party, reads as follows:

26. [In Rudra Kumar Sain v. Union of India](#) [AIR 2000 SC 2808], the Supreme Court pointed out that the expressions "ad hoc, fortuitous and stop-gap" have to be given the dictionary meaning, in the absence of definition of these terms. But, the meaning to be assigned to these terms will depend upon the provisions of the Rule and the context in and the purpose for which the expressions are used. The Supreme Court held in paragraph 19 of the said report that when a person who possesses the requisite qualification for being appointed to a particular post is appointed with the approval and consultation of the appropriate authority and he continues in the post for a fairly long period, then, such appointment cannot be held to be stop-gap or fortuitous or ad hoc.

⁴ 2002(5) Bom. C.R. 221 (SC)

28. But, unfortunately for the petitioners, the said decision may not be of any avail to them. There are two situations which may give rise to a dispute of this nature. One situation is where an appointment of a qualified hand is made by the appropriate authority to a sanctioned post, but on ad hoc basis. Another situation is where such appointment is made to a post which is not sanctioned, but is created as a temporary measure. Rudra Kumar Sain did not deal with the latter situation.

29. In *Brij Mohanlal v. Union of India* [AIR 2002 SC 2096], the Supreme Court issued certain directions as to how appointment of judges to Fast Track Courts is to be made. The direction No.14 in paragraph 10 of the said decision reads as follows:

"14. No right will be conferred on Judicial Officers in service for claiming any regular promotion on the basis of his/her appointment on ad-hoc basis under the Scheme. The service rendered in Fast Track Courts will be deemed as service rendered in the parent cadre. In case any Judicial Officer is promoted to higher grade in the parent cadre during his tenure in Fast Track Courts, the service rendered in Fast Track Courts will be deemed to be service in such higher grade."

30. Heavy reliance is placed by Mr.A.R.L.Sundaresan, learned senior counsel for the petitioners on the latter part of paragraph 10.14. Since the petitioners were regularly promoted to the post of District Judges (Entry Level) during their tenure in the Fast Track Courts, it is the contention of the learned senior counsel for the petitioners that the petitioners are entitled to count those services.

31. But, unfortunately for the petitioners, direction No.14 contained in paragraph 10 of the decision in *Brij Mohanlal*, came to be considered in a later judgment of the Supreme Court in [Debabrata Dash v. Jatindra Prasad Das](#) [(2013) 3 SCC 658]. As seen from paragraph 2 of the said decision, the question that arose in *Debabrata Das* was whether the service rendered in the Fast Track Court as Additional District Judge is to be taken into account while fixing the seniority after regularisation of service. In paragraph 42 of the said

decision, the Supreme Court considered the effect of the decision in Rudra Kumar Sain. In paragraph 43, the Supreme Court referred to Brij Mohanlal and direction No.14 contained therein. In order to understand the scope of the direction No.14 contained in paragraph 10 of the decision in Brij Mohanlal, the Supreme Court paraphrased the said direction, in paragraph 43 of its decision in Debabrata Dash and thereafter, answered the issue in paragraph 44 squarely against the petitioners herein.

32. Paragraphs 43 and 44 of its decision in Debabrata Dash may be usefully extracted as follows:

"43. In Brij Mohan Lal a three-Judge Bench of this Court, inter alia, considered the Fast Track Courts Scheme. In para 10 of the judgment, this Court gave various directions. Direction 14 in that paragraph is relevant which can be paraphrased as follows:

- (i) No right will be conferred on judicial officers in service for claiming any regular promotion on the basis of his/her appointment on ad hoc basis under the Scheme.
- (ii) The service rendered in the Fast Track Courts will be deemed as service rendered in the parent cadre.
- (iii) In case any judicial officer is promoted to higher grade in the parent cadre during his tenure in Fast Track Courts, the service rendered in Fast Track Courts will be deemed to be service in such higher grade.

44. The learned Senior Counsel for the writ petitioner heavily relied upon the third part of Direction 14. As a matter of fact, this part has been relied upon in the impugned judgment as well. It is submitted on behalf of the writ petitioner that on promotion to the Senior Branch Cadre of Superior Judicial Service during his tenure in the Fast Track Courts, the writ petitioner is entitled to the counting of the service rendered by him in the Fast Track Court as a service in Superior Judicial Service (Senior Branch). The submission overlooks the first two parts of Direction 14, one, no right will be conferred in judicial service for claiming any regular promotion on the basis of his/her appointment on ad hoc basis under the scheme; and two, the service rendered in Fast Track Courts will be deemed as service rendered in the parent cadre. In our opinion, until the vacancy occurred in the cadre of Superior Judicial Service (Senior Branch) which was to be filled up by promotion, the service rendered by the

writ petitioner in the Fast Track Court cannot be deemed to be service rendered in the Superior Judicial Service (Senior Branch). Rather until then, he continued to be a member of the parent cadre i.e. Superior Judicial Service (Junior Branch). The third part of Direction 14, in our view, does not deserve to be read in a manner that overrides the 1963 Rules."

33. After analysing Brij Mohanlal to a great extent, the Supreme Court pointed out in paragraph 46 of its decision in Debabrata Dash that even while appointing Fast Track Court Judges, it was clearly stipulated that such appointments would be ad hoc and temporary and that the appointees shall not derive any benefit from such appointments. Consequently, the Supreme Court held in Debabrata Dash that on the date on which the petitioner therein was posted as Fast Track Court Judge, there was no vacancy in the cadre of Superior Judicial Service (Senior Branch) for being filled up by promotion. Therefore, the Supreme Court held that the decision of the High Court holding otherwise was erroneous. Hence, the decisions in Rudra Kumar Sain and Brij Mohanlal relied upon by the learned senior counsel for the petitioners, may not be of any avail to them any more."

28. Therefore, the claim based upon *Rudra Kumar Sain* is not acceptable. In any case, the petitioner was a party to the first round of litigation which went upto Supreme court. One of the reliefs sought therein was for regularisation, without which a claim for seniority cannot survive. Having lost the battle there, the petitioner cannot now make a fresh claim.

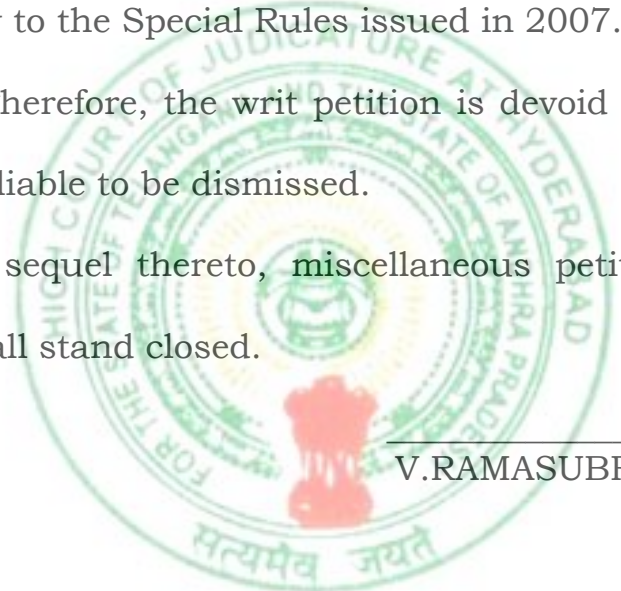
29. Another important aspect is that under G.O.Ms.No.68, dated 02-07-2013, the petitioner as well as the other selected candidates were placed on probation only with effect from the date they joined duty pursuant to the regular selection in the year 2013. Therefore, the probation of the

petitioner itself was completed only in the year 2015. A person, who was placed on probation in July, 2013 and whose probation got declared in 2015, cannot claim seniority with effect from the year 2003.

30. In short, the claim of the petitioner is (i) contrary to the Special Rules for Adhoc Appointments, 2001 (ii) contrary to clauses 5 and 6 of his appointment order as adhoc Judge in the year 2003 (iii) contrary to the decision he suffered in this court which got confirmed in the Supreme court and (iv) contrary to the Special Rules issued in 2007.

31. Therefore, the writ petition is devoid of merits and hence, it is liable to be dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.



V.RAMASUBRAMANIAN, J.

T.RAJANI, J.

27th April, 2018.

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Note:-

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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT. JUSTICE T.RAJANI

Writ Petition No.18988 of 2017
[per VRS, J.]



27th April, 2018.
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